



Senate

General Assembly

File No. 169

February Session, 2016

Substitute Senate Bill No. 280

Senate, March 23, 2016

The Committee on Human Services reported through SEN. MOORE, M. of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE LONG-TERM CARE OMBUDSMAN'S NOTICE TO NURSING HOME RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 17b-352 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2016*):

4 (d) Any facility acting pursuant to subdivision (3) of subsection (b)
5 of this section shall provide written notice, at the same time it submits
6 its letter of intent, to all patients, guardians or conservators, if any, or
7 legally liable relatives or other responsible parties, if known, and shall
8 post such notice in a conspicuous location at the facility. The facility's
9 written notice shall be accompanied by an informational letter issued
10 jointly from the Office of the Long-Term Care Ombudsman and the
11 Department on Aging on patients' rights and services available as they
12 relate to the letter of intent. The notice shall state the following: [(A)]
13 (1) The projected date the facility will be submitting its certificate of
14 need application, [(B)] (2) that only the [department] Department of

15 Social Services has the authority to either grant, modify or deny the
 16 application, [(C)] (3) that the [department] Department of Social
 17 Services has up to ninety days to grant, modify or deny the certificate
 18 of need application, [(D)] (4) a brief description of the reason or
 19 reasons for submitting a request for permission, [(E)] (5) that no patient
 20 shall be involuntarily transferred or discharged within or from a
 21 facility pursuant to state and federal law because of the filing of the
 22 certificate of need application, [(F)] (6) that all patients have a right to
 23 appeal any proposed transfer or discharge, and [(G)] (7) the name,
 24 mailing address and telephone number of the Office of the Long-Term
 25 Care Ombudsman and local legal aid office.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2016	17b-352(d)
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Statement of Legislative Commissioners:

In Section 1(d), "State Department on Aging" was changed to "Department on Aging" for statutory consistency.

HS *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill does not result in a fiscal impact to the state or municipalities. The bill requires an informational letter be provided to nursing home patients and their representatives from the Office of the Long Term Care Ombudsman and the Department on Aging when a long term care facility is planning to terminate a service or substantially decrease bed capacity.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 280*****AN ACT CONCERNING THE LONG-TERM CARE OMBUDSMAN'S NOTICE TO NURSING HOME RESIDENTS.*****SUMMARY:**

This bill adds an informational letter on patients' rights and available services to the written notice that long-term care facilities must provide to patients and other parties when planning to terminate a service or substantially decrease bed capacity (see BACKGROUND). Under the bill, the informational letter must be one jointly issued by the Office of Long-Term Care Ombudsman and the Department on Aging.

EFFECTIVE DATE: July 1, 2016

BACKGROUND***Written Notice Requirement***

By law, when planning to terminate a service or reduce beds, nursing homes, rest homes, residential care homes, and intermediate care facilities for individuals with intellectual disabilities must submit a letter of intent to the Department of Social Services as part of the certificate of need (CON) process. At that time, facilities must also (1) notify the Office of Long-Term Care Ombudsman and (2) provide written notice to all patients and their guardians, conservators, legally liable relatives, or other responsible parties. The facility must post the notice in a conspicuous location. Among other things, the notice must include:

1. a statement that no patient shall be involuntarily transferred or discharged within or from a facility under state and federal law because of the CON application;

2. a statement that all patients have the right to appeal any proposed transfer or discharge; and
3. the name, mailing address, and telephone number of the Office of Long-Term Care Ombudsman and the local legal aid office.

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 16 Nay 0 (03/10/2016)